

DISPOSITION: 3-2-62. Default—the chili peppers were destroyed; the other articles were delivered to a charitable organization.

27689. Chocolate-covered peanuts. (F.D.C. No. 46233. S. No. 61-307 R, 61-477 R.)

QUANTITY: 107 cases, 12 bags each, at Bellevue, Wash.

SHIPPED: 7-6-61 and 8-1-61, from San Jose, Calif., by Safeway Stores, Inc.

LABEL IN PART: (Bag) "Roxbury Chocolate Peanuts Ingredients: Milk Chocolate with added emulsifier, Peanuts, Sugar, Cocoa, Corn Syrup, Salt Distributed by Safeway Stores, Incorporated—Head Office, Oakland, California Net Wt. 8 Oz."

RESULTS OF INVESTIGATION: Examination showed the article to be peanuts with a chocolate-flavored coating. Mandatory information was printed on the label in small, brown-colored letters and was inconspicuous because of peanuts in the background.

LIBELED: 8-8-61, W. Dist. Wash.; amended libel 8-10-61.

CHARGE: 403(a)—when shipped, the label statement "Chocolate Peanuts" was false and misleading as applied to the article which was coated with a mixture composed of milk chocolate and cocoa; and 403(f)—the information required by 403 (e) and (i) (2) to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, the quantity of contents and ingredient statements, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 2-12-62. Default—delivered to a public institution for use as animal feed.

27690. Chocolate-covered mint patties. (F.D.C. No. 46813. S. No. 14-347 T.)

QUANTITY: 56 cases, each containing 12 display ctns., each ctn. containing 120 individually wrapped pieces of candy, at Forest Park, Ill.

SHIPPED: 11-21-61, from St. Paul, Minn., by Pearson Candy Co.

LABEL IN PART: (Candy) "Pearson's Chocolate Covered Mint Ingredients * * * Pearson Candy Company St. Paul, Minnesota."

RESULTS OF INVESTIGATION: Examination showed that the statement of ingredients on the display carton did not agree with the statement on the individual candy wrapper; that each piece of candy was individually wrapped in silver foil paper and the manufacturer's name and address and the ingredients statements were difficult to read due to being printed in small type in green ink on the highly reflective silver-colored wrapper, so as to be inconspicuous; also such information was partially hidden due to folding over corners of the square wrapper to cover a round piece of candy.

LIBELED: 1-3-62, N. Dist. Ill.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (1) and (i) (2) to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, and the common or usual name of each ingredient, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(i) (2)—the article

was fabricated from two or more ingredients, and its label failed to bear an accurate statement of the common or usual name of each such ingredient.
DISPOSITION: 1-26-62. Consent—claimed by Pearson Candy Co., and released under bond for relabeling.

27691. Chocolate bridge mix (candy). (F.D.C. No. 47011. S. No. 34-559 T.)

QUANTITY: 83 cases, 24 bags each, at Hopkins, Minn.

SHIPPED: 11-6-61, from Chicago, Ill., by Wolch Nut & Candy Co.

LABEL IN PART: (Bag) "Wolch's Chocolate Bridge Mix One Pound * * *
Ingredients: * * * Wolch Nut & Candy Co., Chicago, Ill."

RESULTS OF INVESTIGATION: Examination showed that the article was chocolate-covered pieces of candy in various shapes and sizes contained in a clear plastic bag. The mandatory information was printed on the bag in brown colored ink and was inconspicuous due to the brown candy in the background.

LIBELED: 2-2-62, Dist. Minn.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (1), (e) (2), (i) (2), and (k) to appear on the label, namely, the manufacturer's name and place of business, the quantity of contents statement, the common or usual name of each ingredient, and the declaration of artificial color and flavor, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 3-6-62. Consent—claimed by Wolch Nut & Candy Co., and released under bond for relabeling.

27692. Frozen suckers. (F.D.C. No. 46998. S. No. 9-485 T.)

QUANTITY: 800 cases of 24 ctns., each ctn. containing 8 bags, at Pittsburgh, Pa.

SHIPPED: 7-13-60, from Indianapolis, Ind., by Franwill, Inc.

LABEL IN PART: (Ctn.) "8 Pick-A-Pop Freeze 'Em in the Bag * * * No Stick No Mess * * * Distributed by Franwill, Inc. 621 E. Vermont, Indianapolis, Ind. Net Wt. 1½ Oz. each."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 1-29-62, W. Dist. Pa.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 3-2-62. Default—destruction.

SUGAR

27693. Sugar. (F.D.C. No. 45099. S. Nos. 4-828/34 R, 5-114/20 R.)

QUANTITY: 7,188 bags, each containing from 73 to 108 lbs., at Richmond, Va., in possession of Richmond Waterfront Terminals, Inc.

SHIPPED: During 1959 and 1960, from outside the United States.

LIBELED: 11-18-60, E. Dist. Va.; amended libel 11-28-60.

CHARGE: 402(a) (3)—contained vegetable fibers, mineral particles, insect fragments and insects; and 402(a) (4)—held under insanitary conditions.